

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AEVOE CORP.,

Plaintiff(s),

vs.

AE TECH. CO., et al.,

Defendant(s).

Case No. 2:12-cv-00053-GMN-NJK

ORDER

(Docket No. 305)

Pending before the Court is Plaintiff's motion to seal. Docket No. 305. For the reasons discussed more fully below, the Court finds the papers submitted by Plaintiff to be insufficient to warrant sealing. The documents shall remain under seal for the time being. However, no later than October 25, 2013, Defendants shall submit a declaration in support of the motion explaining why the information at issue merits secrecy. The failure to do so will result in the Court making the exhibit publicly available.

The Ninth Circuit has held that there is a presumption of public access to judicial files and records and that parties seeking to maintain the confidentiality of documents attached to non-dispositive motions must make a particularized showing of "good cause" to overcome the presumption of public access. *See Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006); *see also Aevoe Corp. v. AE Tech. Co.*, 2013 WL 2302310, *1 (D. Nev. May 24, 2013). To the extent any confidential information can be easily redacted while leaving meaningful information available to the public, the Court must order that redacted versions be filed rather than sealing entire documents. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1137 (9th Cir. 2003); *see also Vaccine Ctr. LLC v. GlaxoSmithKline LLC*, 2013 U.S. Dist. Lexis 68298, *9-10 (D. Nev. May 14, 2013) (discussing redaction requirement).

1 This motion seeks to seal portions of Plaintiff's responsive brief to Defendants' motion to
2 increase the injunction bond (Docket No. 306), as well as three exhibits to the declaration filed in
3 support of that brief (Docket No. 307). Plaintiff contends that the information relates to Defendants'
4 "confidential and proprietary sales information." *See* Docket No. 305 at 3, 4. Defendants, however,
5 have not submitted a declaration in support of the sealing request. *Cf.* Docket No. 334 (amending
6 protective order to establish procedure for requests to seal an opposing party's confidential
7 information).

8 The Court is unable to conclude based on the papers that there is good cause supporting the
9 motion to seal. Accordingly, no later than October 25, 2013, Defendants shall submit a declaration
10 in support of the motion explaining why the information at issue merits secrecy.

11 IT IS SO ORDERED.

12 DATED: October 18, 2013

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15 NANCY J. KOPPE
16 United States Magistrate Judge
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